

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

TIDYMAN'S MANAGEMENT SERVICES, INC., a Washington corporation; LENORA DAVIS BATEMAN, VICKI EARHART, CAROL HEALD, THERESA YOUNGQUIST, BARBARA GAUSTAD, SHARON YOUNG, DIANE MOLES, KYLE BAILEY, MARK RADEMAN, DREW OLSEN, CHADNEY SAWYER, THOMAS NAGRONE, DAN NAGRONE, DARRELL NACCARATO, PAT DAHMEN, JANELLE SELLS, TERRI ORTON, BILL EVANSON, TAMMY EVANSON, LARRY THOMPSON, JASON GUICE, JAMIE GUICE, LAURA SQUIBB, RICK BAILLIE, JEFFREY TUCKER, AMY TUCKER, MARYBETH WETSCH, LAURA STOCKTON, JERRY STREETER, CLARA KUHN, NANCY MacDONALD, TED NUXOLL, CINDY NUXOLL, and DEAN CARLSON, individuals,

Plaintiffs,

vs.

NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA; and JOHN DOES 1-10,

Defendant.

CV 15-65-M-DLC-JCL

FINDINGS &
RECOMMENDATION
AND ORDER

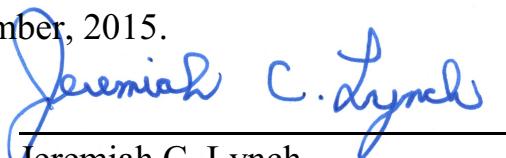
As directed in the Orders issued by the Court on November 5, 2015 (Doc. 37) and December 5, 2015 (Doc. 43), each individual Plaintiff has filed an affidavit stating that he, she, or it will not seek or recover more than \$75,000 in damages in state court with respect to the claims advanced in this action. And as the Plaintiffs were previously advised, if they were individually to seek more than \$75,000 in state court, they would be acting in bad faith within the contemplation of 28 U.S.C. § 1446(c)(1), thereby allowing the Defendant to remove the case beyond the one year limitation set forth in 28 U.S.C. § 1446(c)(1). Accordingly, the Findings & Recommendation dated November 23, 2015 are hereby reinstated.

IT IS RECOMMENDED that Plaintiffs' motion to remand for lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447 be GRANTED.

Because TMSI has filed a satisfactory affidavit (Doc. 48),

IT IS ORDERED that Defendant's Motion Regarding TMSI's December 21, 2015, Affidavit is DENIED as moot.

DATED this 22nd day of December, 2015.



Jeremiah C. Lynch
United States Magistrate Judge